IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Crl.Rev.Pet.No. 684 of 2000()

CRA.218/1996 of SESSIONS COURT, KOZHIKOE
CC.436/1994 of JUDL. MAGISTRATE OF FIRST CLASS-V, KOZHIKODE

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REVN. PETITIONER:

BABU S/O.KUNHI KANARAN,
KOYILOTH KANDY MEETHAL HOUSE,
P.O.PANANGAD, VIA BALUSSERY,
KOZHIKODE DISTRICT.

BY ADV. SRI.AVM.SALAHUDIN
SRI.M.K.SREEGESH

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
CITY TRAFFIC POLICE STATION,
KOZHIKODE.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NOS.3751/2000 and 463/2001 IN CRL.R.P.NO.684/2000

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

20/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.684 of 2000-C

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Dated this the 20th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279, 337 and 338 I.P.C and sentenced as modified by the appellate court to pay a fine of Rs.750/- and in default to undergo simple imprisonment for two weeks for the offence under Section 279 I.P.C.; and to pay a fine of Rs.500/- and in default to undergo simple imprisonment for one week for the offence under Section 337 I.P.C and; sentenced to undergo simple imprisonment for three months for the offence under Section 338 I.P.C.

2. The prosecution case is that on 06/01/1994 at about 9.10 a.m the accused drove bus bearing Reg.No.KL.10/4761 in a rash and negligent manner so as to endanger human life through the N.H road and hit PWs.1 to 3 the school going children as the result of which they sustained grievous hurt.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that the incident has taken place more than 13 years back and that the sole means of livelihood of the members of his family is his earnings. In the circumstances and

considering the long lapse of time the sentence imposed for the offence under Section 338 I.P.C is modified to imprisonment till the rising of the court and to pay a compensation of rupees ten thousand to PW.2 who sustained fracture of the left forearm and in default to undergo simple imprisonment for six months. The sentence imposed for the rest of the offences are confirmed. The revision petitioner/ accused is granted two months time to remit the amount of compensation and fine. He shall appear before the Judicial Magistrate of the First Class-V, Kozhikode, on 21/01/2008 to receive the sentence. The criminal revision petition is disposed of as above.

Sd/-
K.R.UDAYABHANU,
Judge

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